

BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600

**Case No. S-2416**

**PETITION OF BP AMOCO CORPORATION**

**RESOLUTION TO EXTEND TIME TO IMPLEMENT SPECIAL EXCEPTION**

(Resolution adopted May 1, 2002)  
(Effective date of Resolution, June 27, 2002)

The Board received a letter dated March 12, 2002, from C. Robert Dalrymple, Esquire, and Anne C. Martin, Esquire, on behalf of the holder of the special exception, which states in part:

“ . . . Pursuant to Section 59-A-4.53 of the Zoning Ordinance, and for the reasons set forth below, BP Amoco respectfully requests an 8-month extension of time to implement the special exception use on the property.

. . . As you recall, and as is referenced in the Opinion, BP Amoco underwent a merger during the special exception proceedings and revised the application with a new BP Design, architectural changes, an enlarged ancillary convenience store and elimination the proposed car wash. . . . however, due to delays created by the merger, the coordination of the new BP product design, and global market issues, there is some risk that BP Amoco will be able to commence substantial construction by December 6, 2002, and requests the extension now to preserve the approval in light of unavoidable delays in the implementation schedule (and to gain assurance in advance of a last minute extension request).

The request for an extension to August 6, 2003 is consistent with the requirement to obtain building permits for the station prior to July 28, 2003, pursuant to the applicable preliminary plan of subdivision approval for the property and use.”

The subject property consists of 1.011 acres located on the east side of Snouffer School Road opposite the intersection with Centerway Road near the Montgomery County Airpark in Gaithersburg, Maryland, in the 14 Zone.

Based on the foregoing information and a review of the record, the Board finds that the request to extend the time for the implementation of the special exception use can be granted. Section 59-A-4.53(c) of the Montgomery County Zoning Ordinance states:

**“Extension of time.** The board may extend the time limit for a variance or special exception if the evidence of record establishes that

drawing of architectural plans, preparation of the land, or other factors involved in the particular use will delay the start of construction or the establishment of the use beyond the period of validity. For a special exception, each extension must not exceed 12 months. If the board grants an extension, the board must set a date by which the erection or alteration of the building must be started or the use established."

Therefore, BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the record of Case No. S-2416, shall be, and hereby is re-opened to receive Mr. Dalrymple and Ms. Martin's letter of March 12, 2002; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the time for implementing the special exception for automobile filling station and ancillary convenience store granted in Case No. S-2416, Petition of BP Amoco Corporation, shall be and hereby is extended to the **6th day of August, 2003.**

BE IT FURTHER RESOLVED that all terms and conditions of the special exception granted the 6<sup>th</sup> day of December, 2000, shall remain in full force and effect, except as modified by this Resolution.

On a motion by Angelo M. Caputo, seconded by Donna L. Barron, with Louise L. Mayer, Allison I. Fultz and Donald H. Spence, Jr. Chairman, in agreement, the Board adopted for following Resolution.

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Donald H. Spence, Jr.  
Chairman Montgomery County Board of

Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland,  
this 27th day of June, 2002.

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Katherine Freeman  
Executive Secretary to the Board

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the

decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.